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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,633	10/12/2001	Arthur Stanley Peters III	TelePhenom	1654

7590 09/28/2004
TOM ODGERS
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EXAMINER

HARVEY, DIONNE

ART UNIT PAPER NUMBER

2643

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/976,633	Applicant(s) PETERS ET AL.	
	Examiner Dionne N Harvey	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Beginning on line 3, Claim 2 recites "...enabling simultaneous audio telecommunication between the telephony device and another communication device over at least one of the PSTN or the computer." However, according to the Applicant's specification and **figure 2** of the Applicant's drawings, when user **190** is in communication with another communication device over the PSTN, other than a mechanical connection, the computer **110** is not coupled to the PSTN network. If the Applicant is attempting to claim the teleconferencing embodiment as depicted in **figure 3**, the claims should be amended to recite "...enabling simultaneous audio telecommunication between the telephony device and at least two other communication devices over the PSTN and over the computer.", or a similar amendment. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1,2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by **Chien et al. (US 6,308,062)**.

Regarding claim 1, Chien teaches a wireless telephony system, reading on “A telephony device for providing audio telecommunication comprising”;

In figure 1, Chien shows PSTN module **50** operable with electronic devices **15**, reading on “a PSTN module that provides communication over a public switched telephone network (PSTN)”;

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a radio fixed part **20** and USB BUS **40**, together, reading on “and a computer module”; both permitting the communication of the electronic devices **15** with a computer **30,35** and its’ software for accessing a variety of audio communication functions such as voice mail, recording memos and messaging services (see column 6, lines 5 and 25-29), thereby reading on “electronically coupled to the PSTN module and a computer for providing audio communication between the computer and the telephony device.”

Regarding claim 2, In column 4, lines 28-36, Chien teaches an intelligent agent button **147** and computer interface **240**, by which the user of the telephony device is able to access certain computer software functions. The intelligent agent button **147** and computer interface **240**, reading on “a switch module”;

in column 6, lines 1-40, Chien teaches that with interworking services, the computer is capable of handling incoming and outgoing calls, facilitating conference calls, and accessing the internet through the portable electronic device **15**, as well as performing other functions, thereby reading on “selectively coupling the PSTN module to the computer module for enabling simultaneous audio telecommunication between the telephony device and another communication device over at least one of the PSTN or the computer.”

Regarding claim 4, In paragraph 1, lines 55-57, Chien teaches that the portable device may be any one of: a cordless handset, dual-mode cordless handset, PDA or portable laptop computer . In the instance where the portable device is a cordless handset or dual-mode cordless handset, Chien inherently teaches “an RF module that allows cordless telecommunication of the telephony device.”

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Chien et al. (US 6,308,062)**.

Regarding claim 3, Chien does not clearly teach a paging module coupled to the computer module and the switch module for sending an alert signal when a predefined event occurs. However, the examiner takes Official Notice that paging modules for issuing ring tones, vibrations and text alerts etc., are well known in the art and it would have been obvious to provide the electronic device **15** of Chien with a paging module, for the purpose of notifying the user of incoming calls, undelivered messages, low level batteries, and the like.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne N Harvey whose telephone number is 703-305-1111. The examiner can normally be reached on 9-6:30 M-F and alternating Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dionne Harvey


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
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